

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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**ACCREDITING COUNCIL FOR  
INDEPENDENT COLLEGES AND  
SCHOOLS,**

Plaintiff,

v.

Civil Action No. 16-2448 (RBW)

**JOHN KING, JR.,** in his official  
capacity as Secretary of the Department  
of Education, and the **UNITED  
STATES DEPARTMENT OF  
EDUCATION,**

Defendants,

and

**COMMONWEALTH OF  
MASSACHUSETTS**

One Ashburton Place  
Boston, MA 02108;

**STATE OF ILLINOIS**

100 West Randolph Street  
Chicago, IL 60601;

**STATE OF MAINE**

6 State House Station  
Augusta, ME 04333;

**STATE OF NEW YORK**

120 Broadway, 3rd floor  
New York, NY 10271;

**DISTRICT OF COLUMBIA**

441 4th Street, N.W., 6th Floor  
Washington, DC 20001; and

**THE ATTORNEY GENERAL OF  
MARYLAND**

200 St. Paul Place, 16th Floor  
Baltimore, MD 21202,

[Proposed] Defendant-Intervenors.

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**MOTION OF THE COMMONWEALTH OF MASSACHUSETTS, THE STATE  
OF ILLINOIS, THE STATE OF MAINE, THE STATE OF NEW YORK, THE  
ATTORNEY GENERAL OF MARYLAND, AND THE DISTRICT OF  
COLUMBIA FOR LEAVE TO INTERVENE**

Pursuant to Rule 24(a) of the Federal Rules of Civil Procedure, the Commonwealth of Massachusetts, the States of Illinois, Maine, and New York, the Attorney General of Maryland, and the District of Columbia, by and through its Attorney General, (“State Movants”) hereby respectfully request leave to intervene as of right as defendants in this litigation on all claims contained in the Complaint and on all relief requested in the Complaint. Alternatively, the State Movants respectfully request permission to intervene pursuant to Rule 24(b) of the Federal Rules of Civil Procedure.

The State Movants seek to intervene in the present action in order to defend important state interests. This action includes representatives of two members of the long-established “triad” of higher-education authorities – the federal government and accrediting agencies – but currently lacks any participation from the third member group, namely, the states. In the “triad” system, the State Movants rely on the expertise and judgment of federally recognized accreditors in myriad state regulatory and enforcement schemes. These include regulations that govern which institutions of higher education are permitted to operate within a state’s borders and regulations that govern institutional eligibility for state educational financial aid programs. Moreover, State Attorneys General play a unique role in this system of oversight, enforcing state consumer protection laws to protect students from unfair and deceptive conduct by educational institutions. All of the State Movants have ACICS-accredited institutions currently operating in their states, implicating these regulatory and enforcement roles, and giving each State Movant a major stake in the outcome of this lawsuit. An accreditor’s failure to verify program quality at its accredited educational institutions jeopardizes the effectiveness of state enforcement efforts and regulations, exposing each state’s students to subpar educational programs that provide little

value, but for which each student may borrow tens of thousands of dollars through effectively non-dischargeable federal student loans.

In further support of their Motion for Leave to Intervene, the State Movants refer the Court to their Memorandum in Support of The State Movants' Motion to Intervene.

Pursuant to D.D.C. Local Rule 7(m), undersigned counsel conferred with counsel for all parties. Counsel for Plaintiff indicated that Plaintiff opposes the relief requested in this motion. Counsel for Defendants has not provided the State Movants with a position on the relief requested in this motion. And pursuant to Rule 24(c) of the Federal Rules of Civil Procedure and D.D.C. Local Rule 7(j), the State Movants have attached to this motion their Opposition To Plaintiff's Motion For Temporary Restraining Order And Preliminary Injunction.

SUBMITTED this 24<sup>th</sup> day of January, 2017.

FOR THE COMMONWEALTH OF  
MASSACHUSETTS

MAURA HEALEY  
ATTORNEY GENERAL

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**CERTIFICATE OF SERVICE**

I certify that on January 24, 2017, I caused a copy of the foregoing State Movants' Motion to Intervene, Memorandum in Support, Exhibit Index, Exhibits No. 1-3, Proposed Order, and the State Movants' Opposition To Plaintiff's Motion For Temporary Restraining Order And Preliminary Injunction to be filed electronically and that these documents are available for viewing and downloading from the ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Robert E. Toone  
ROBERT E. TOONE